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of Discrimination and
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Agenda item 12

HUMAN RIGHTS AND DISABILITY

Written statement submitted by Human Rights Advocates
a non-governmental organization in consultative status
(category II)

1. "I like to believe, and I do believe, that despite all of his frailities and follies man will not only survive on earth through reason, common sense, and the will to live, but that through the unlimited creative capacity of his genius, he will continue to advance." 1/ These are the last words addressed to the United Nations by the late Ralph Bunche, Under-Secretary-General (International), as he strained, reading from huge cards held in his hands - hands that used highest diplomacy to fight for the rights of all while he personally rose above the double discrimination of racism and disability.

2. In solidarity with Ralph Bunche, may we share that we like to believe, and we do believe, that the development of instruments for the prevention of discrimination and the protection of minorities reads like a roadmap through which one can chart efforts to advance. A litany of international instruments exists through which human rights can be enhanced ... if individuals and Governments apply their will and utilize their creativity to enforce them. 2/ 3/

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3. Many people seem to view "different issues" of human rights as if they were separate explosions illuminating the battleground of survival. Others clearly see the interrelatedness of all life and view the "issues" as connected spokes within a prayer-wheel spinning for peace. One "issue" that clearly demonstrates this latter view, is "disability". Disability thrusts itself into every culture, race, age group and other social delineation. It knows well illegal detention and torture; it knows well the indigenous; it knows well women and children; it knows well policies of racial discrimination, segregation and apartheid; and tragically, it knows too well the lack of independence and impartiality of the judiciary.

4. It is with particular joy that we note that the report on human rights and disability by Special Rapporteur Leandro Despouy now joins the body of essential human rights instruments. To commend Mr. Despouy for his personal insight and great sensitivity to the rights of individuals with disabilities would not be enough. To commend Mr. Despouy for his serious efforts to gather the immense body of information available and having presented it in a comprehensive way would not be enough. To commend Mr. Despouy for his continuing openness to experts within the population who are disabled would not be enough. What must be done is to take this report and transform it into action, as a matter of urgency.

5. As expressed in her extensive study "Status of the individual and contemporary law" (E/CN.4/Sub.2/1989/40), Special Rapporteur Erica-Irene Daes sharply brings to our attention that political expression and political wisdom are not always synonymous. However, under her study's larger title of "Promotion, protection and restoration of human rights at national, regional and international levels", it is heartening to see equally clearly that resolutions passed at the Sub-Commission level carry a legal or quasi-legal force and can be effective instruments.

6. The distinguished Mr. Danilo Türk, wrote: "every conquest of a corner of freedom, achieved through the courage of the very poor in defending human dignity, opens up society as a whole to a renovation of its human rights practice" (E/CN.4/Sub.2/1990/19). A well-substantitated fact is that individuals with disabilities are the poorest of the poor. Indeed, this group through defending human dignity is opening up society as a whole to renovation.

7. Violations of human dignity and, therefore, of human rights are like a virus that has not yet been checked. Therefore, Human Rights Advocates would like to focus on two aspects: prevention and cure. The mechanics of prevention in medicine, for instance, take many forms depending upon the nature of the virus. In the case of human rights violations injected into the mainstream of life, the preventative measures are titrated from one essential element from which many healing compounds may be created: that essential element is "attitude".

8. Attitude, as Mr. Despouy so eloquently shows, is the key inhibitor: he chooses to depart from the "classical approach ... which does not regard it (disability) as something which concerns us all"; 4/ because persons live with "social and physical barriers which prevent their integration and full

participation in the community. As a result, millions of children and adults, throughout the world, are segregated and deprived of virtually all their rights, and lead a wretched, marginal life"; 5/ thus, "it is essential to rid ourselves of any feelings of pity or commiseration. We are not dealing with a strictly humanitarian problem, still less with a situation requiring our charity"; 6/ "the obligation (is) to do what is necessary to enable persons with disabilities to enjoy the effective exercise of all their human rights on an equal footing with others". 7/ This exposition of attitudinal changes necessary to prevent the further erosion of human rights for individuals already disabled is further expanded as the report delves into the causal factors of disability itself. 8/ Each cause is directly related to a gross violation of universal human rights, 9/ or a distorted application of them. 10/

9. This observer (not representing Human Rights Advocates at the time) had the privilege of attending the Permanent People's Tribunal earlier this year in the United States at Yale University. It focused on "industrial and environmental hazards and human rights". The Tribunal heard oral testimony and received other evidence from victims of industrial disasters from Japan, India, the Marshall Islands, the United Kingdom and various parts of the United States. Examined was, testimony concerning hazardous technologies and products ranging from those used in war (Agent Orange), to devices or drugs (Dalkon Shield and DES), asbestos poisoning, the continuing disabling effects from radiation exposure due to atomic testing or the unsafe mining and processing of radioactive materials, mercury poisoning in Japan, workers killed and dying through industrial waste hazards or toxic fumes, including the victims of the gas disaster in Bhopal, India.

10. Several people at the Tribunal wanted also to attend this year's Sub-Commission to urge the direct linkage of human rights with preventative measures concerning disability. Their own health and financial restraints did not permit this. A copy of the Tribunal decision is available through the Centre for Human Rights. Hopefully, one of the testimonies will serve as a stimulant to those who are focusing on the preventative side of disability.

11. Testimony given at the Tribunal by Prentice Taylor and Dan Brooks of Workers Against Toxic Chemical Hazards of Youngstown, Ohio, spoke powerfully about how it was able to get General Motors to "clean up". 11/ 12/ 13/ 14/ 15/ That story underlined one of the judges' opinions: "it is essential to recognize the existing personal responsibility of the managers of such corporations and agencies, as well as other concerned public officials". 16/

12. Is that not echoed clearly in the Despouy report? Is it not the normative responsibility of community, as a whole, to address as individual responsibility the eradication of the attitudinal virus that not only feeds the violations of human rights but also spawns them?

13. As often with medicine, inherent in the preventative measures can be the cure. If healthy attitudes concerning human rights in general are enhanced through education, media, legislative and judicial processes, etc., and powerfully linked to the International Bill of Human Rights, cures like the transfer of independence-promoting technology to developing nations will be

normative; eliminating any mutilation of an individual, for whatever reason, will be normative; creating environments where choices for access to education, work, and all aspects of life for all will be normative; the existence of an ombudsman/office will be normative. It would not be necessary for us here to create a special resolution concerning access, even at the Palais in Geneva, for the disabled, including the deaf and blind, enabling their full participation in the United Nations process.

14. The only real question is: Do we have the will and do we choose to delve into the depths of our own creativity, or are we going to continue to allow the virus of our own attitudes to disable each of us and our world? Can we say, with Ralph Bunche, "I like to believe, and I do believe, that despite all of his frailties and follies man will not only survive on earth through reason, common sense, and the will to live, but that through the unlimited creative capacity of his genius, he will continue to advance". 17/ We like to believe, and we do believe ...

We can; we must!

Notes

1/ Ralph Bunche: The Man and his Times, Benjamin Rivlin, (ed.) Holmes & Meier, New York/London, 1990, p. 264.

2/ Special Rapporteur, Mr. Leandro Despouy, E/CN.4/Sub.2/1991/31, paras. 27-82.

3/ Permanent People's Tribunal, Decision from the United States session, "Tribunal on Industrial and Environmental Hazards and Human Rights", released 17 July 1991, pp. 6-13.

4/ Special Rapporteur, Mr. Leandro Despouy, E/CN.4/Sub.2/1991/31, para. 2.

5/ Ibid., para. 3.

6/ Ibid., para. 5.

7/ Ibid., para. 7.

8/ Ibid., paras. 109-180.

9/ Ibid., paras. 119-173.

10/ Ibid., paras. 174-180.

11/ Permanent People's Tribunal, op. cit., p. 4.

12/ Ibid., p, 14.

13/ Ibid., p. 17.

14/ Ibid., p. 19.

15/ Ibid., pp. 20-22.

16/ Press release, Permanent People's Tribunal on Industrial Hazards and Human Rights, "Worldwide Human Rights Abuses of Industrial Disaster Victims Cited", 17 July 1991, p. 1.

17/ Ralph Bunche: The Man and his Times, op. cit., p. 264.

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